

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

THOMAS E SMITH

SENTENCING MINUTES

Case No. 20-cr-0196-bhl-1

HONORABLE BRETT H. LUDWIG presiding
Proceeding Held: 6/2/2021
Deputy Clerk: Kristine B.

Time Called: 10:06 a.m.
Time Concluded: 11:17 a.m.
Court Reporter: John S.

Appearances:

UNITED STATES OF AMERICA by:	Laura Connelly and Leslie Garthwaite
THOMAS E. SMITH in person and by:	Michael J. Steinle
US PROBATION OFFICE by:	Daniel E. Dragolovich

- | | |
|---|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | <input checked="" type="checkbox"/> Objections/corrections to application of guidelines by <input checked="" type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant |
| <input type="checkbox"/> The Court adopts the factual statements and guideline application as set forth in the PSR | <input checked="" type="checkbox"/> The Court adopts the factual statements and guideline application with these changes: The Court sustained the parties' objection and will apply a 2-level enhancement instead of a 4-level enhancement under §3B1.1 for defendant's role in the offense. The total offense level is 24. |

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| <input checked="" type="checkbox"/> The government presents sentencing argument: 63 months imprisonment, 2 years SR, and \$960,000 in restitution. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: 12 – 18 months imprisonment. |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The Court imposes sentence. |
| <input checked="" type="checkbox"/> The government dismisses count(s) 1, 3-6, 9, 11-13 | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

SENTENCE IMPOSED:

Imprisonment: 57 Months as to Count 2 of the Indictment

Imprisonment term for each count to be served ☐ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: months.

Supervised

Release: 2 Years as to Count 2 of the Indictment

MONETARY PENALTIES

Special Assessment: \$ 100 due immediately

Fine: \$ ☒ fine waived

Restitution: \$ 960,000 ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☒ Restitution is **joint and several** with Samuel Davis, Stephen Smith, Robert Hamilton, Tarone Woods, and Deon Petty.

FORFEITURE

☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

CUSTODY

☐ The defendant is remanded to the custody of the U.S. Marshal Service.

☒ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.

☒ The defendant waives reading of the conditions of supervised release.

☒ **Mandatory Conditions of Supervision** imposed.

☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.

☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.